

REMARKS

Claim Rejections

Claims 1-17, 19-23 and 25-41 are rejected under 35 U.S.C. 101 as directed to non-statutory subject matter.

Claims 1-17, 18-21, 24 and 40-41 are rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,249,800 (Hilgendorf et al.) in view of U.S. Patent No. 6,892,938 (Solomon), U.S. Patent No. 6,712,695 (Mothwurf et al.) and U.S. Patent No. 7,300,349 (Walker et al.).

Claims 22-23 and 25-39 are rejected under 35 U.S.C. 103(a) as unpatentable over Solomon in view of Mothwurf et al. and Walker et al.

Claim Amendments

The independent claims are amended, as suggested by the examiner, to eliminate the non-statutory subject matter rejection.

The claims are also amended to further patentability distinguish over the cited references.

Claim 37 is amended to correct its dependency.

The Cited References

Hilgendorf et al. is directed to a communication unit 26 for a progressive game control and communication system including a plurality of gaming machines 10. (Col. 2, lines 18-24). The system also includes a progressive controller 30 and a progressive display 36 for the play of a progressive game and the display of a progressive jackpot value. (Col. 2, lines 25-31).

Solomon is directed to a gaming system 10 which uses sensed biometric characteristics of employees to complete a transaction or a payout, for example, jackpots, cancelled credits, hopper fills, etc. associated with a gaming machine 12. (Col. 3, lines 1-7). A computer 38 is adapted to compare the sensed biometric characteristic with a stored characteristic of an employee and to confirm that the sensed biometric characteristic matches the stored characteristic. In the example of a jackpot, payment is then authorized if a match is confirmed. (Col. 5, lines 1-6).

In another example, a jackpot ticket is printed. An employee takes the ticket to a cashier station 22 for payment. If the amount of the payment is over a predetermined value, then the payment may require additional authorization by another employee, for example, a cashier. (Col. 6, lines 33-38).

Mothwurf et al. is directed to a jackpot system for allocating the wins from at least one jackpot to players playing at different gaming positions. A selection is compared to a paytable, and if the selection corresponds to a winning entry of the paytable, an award is made to at least one player. (Abstract).

Walker et al. discloses a system and process for generating, distributing and processing lottery tickets guaranteed to win a drawing-based prize. (Abstract). The process includes a procedure for redeeming a winning lottery ticket by a player from a lottery terminal operator. (Col. 14, lines 37-47). On receipt of the winning lottery ticket, the operator enters the ticket into a ticket reader 43 attached to the lottery terminal. A ticket identifier, for example, is transmitted to a remote lottery server 30, and the lottery server transmits back the payout amount, which the lottery terminal uses to print a payment receipt. The lottery terminal operator then pays the winning amount to the player. (Col. 14, lines 48-59).

Applicant's Claimed Invention Would Not Have Been Obvious

The following factual inquiries must be considered in any obviousness evaluation: the scope and content of the prior art, the differences between the claimed invention and the prior art, the level of ordinary skill in the pertinent art and evidence of any secondary considerations. To establish a *prima facie* case of obviousness, it is axiomatic that the prior art, either alone or in combination, must disclose each and every element of the claimed invention. As stated in the M.P.E.P., “[t]o reject a claim . . . Office personnel must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” M.P.E.P. §2143A.

Moreover, “[t]he rationale to support a conclusion that the claim would have been obvious is that all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art.” *Id.* Also, some articulated reasoning with rational underpinnings must be provided to support a *prima facie* case of obviousness.

The cited combination of references neither disclose nor suggest a method for electronically corroborating a jackpot payment by a casino employee or attendant without a human corroborating witness. Thus, a *prima facie* case of obviousness has not been made out.

Claim 1, for instance, calls for a method for electronically corroborating and authorizing a manual payment of a gaming jackpot. The method includes receiving a jackpot winning signal from a gaming machine by a jackpot server. The jackpot winning signal includes an amount of a jackpot value of a jackpot won by a player. The method further includes receiving a payment user transaction signal via the jackpot server. The transaction signal includes a payment user identifier and a jackpot transaction value inputted by a payment attendant. The payment user identifier identifies the payment attendant. The jackpot transaction value indicates an amount of a jackpot won by the player. A comparison is made by the jackpot server between the amount of the jackpot value of the jackpot signal and the amount of the jackpot transaction value of the transaction signal inputted by the payment attendant. A confirmed jackpot value is generated if the amount of the jackpot value of the jackpot winning signal is equal to the amount of the jackpot transaction value of the transaction signal, thereby electronically corroborating the amount of the jackpot value of the jackpot winning signal. A transfer of the confirmed jackpot value to a player is then authorized without a requirement for a human corroborating payment witnessing user. A record of the authorized transfer is also created.

Hilgendorf et al. discloses a progressive gaming system. Hilgendorf et al., like Solomon, Mothwurf et al., and Walker et al., fails, however, to disclose a method for electronically corroborating and authorizing a manual payment of a jackpot. Nevertheless, Hilgendorf et al. was relied upon as disclosing “receiving a jackpot winning signal from a gaming machine, said jackpot signal including an amount of a jackpot value of a jackpot won by a player”. (Office Action, ¶5). Hilgendorf et al., does not disclose sending a jackpot winning signal including an amount of a jackpot value of a jackpot won by a player from a gaming machine to a jackpot server.

Rather, in Hilgendorf et al., a gaming machine 10 sends a signal to the communication unit 26 “that a specific jackpot has been hit, e.g., a royal flush”. (Col. 3, lines 3-4). In response, to receiving such a signal, the communication unit 26 sends a signal to the gaming machine advising the gaming machine of “the value of one of the progressive jackpots.” (Col. 2, line 68 to Col. 3, line 2).

Thus, the amount of the jackpot value, that is the progressive jackpot value, is provided to a gaming machine 10 by the communication unit 26. The amount of the progressive jackpot is not sent

to the communication unit 26 by a gaming machine. This, of course, is the only way such a progressive jackpot system can work.

Moreover, that the progressive jackpot may be paid through a hopper of Hilgendorf et al.'s gaming machine has nothing to do with electronically corroborating the amount of jackpot without the need for a human corroborating witness. Instead, Hilgendorf et al. simply recognizes that a jackpot may be paid through a hopper or paid by hand. (Col. 3, lines 8-13).

Further, it is acknowledged that Hilgendorf et al does "not teach receiving a payment user transaction signal, said transaction signal including a payment user identifier and a jackpot transaction value inputted by a payment attendant, the payment user identifier identifying the payment attendant and the transaction value indicating an amount of a jackpot won by the player." (Office Action, ¶5). As such, Solomon is relied upon as disclosing the features lacking in Hilgendorf et al. related to the payment user transaction signal and the payment attendant. (Id.)

Solomon discloses the use of biometrics in which an employee 26 takes ownership of a transaction, for example, paying a jackpot to a player. (Col 4, lines 11-17). The biometrics are used to confirm the identity of the employee, for instance, at a jackpot fill station 18 (Col 4, lines 36-49).

Solomon, however, does not disclose receiving a payment user transaction signal, which was inputted by a payout attendant including a jackpot transaction value, via a jackpot server for comparison to an amount of a jackpot value of a jackpot winning signal from a gaming machine. Solomon also does not disclose that any such payment user transaction signal includes both the identity of the payment attendant and the amount of the jackpot won by the player. Rather, in Solomon, an employee's sensed biometric characteristics are compared in determining whether to authorize the employee to make a jackpot payment. (Col. 5, lines 1-6).

Specifically, if the employee 26 is identified as the person responsible for making the jackpot payment, the employee is provided with an authorization ticket which he or she takes to a cashier station 22. A cashier 28 at the cashier station provides the funds for the jackpot payment to the employee. The employee 26 along with a second employee 28 who acts as a witness returns to the gaming machine to pay the player. (Col. 3, lines 60-63; Col. 5, lines 23-26). For large jackpots, a third employee 49 may be required to approve payment of a hand pay. (Col. 3, line 64 to Col. 5, line 3).

Thus, unlike Applicant's claimed invention, Solomon requires a corroborating witness for a jackpot payout. As such, Solomon teaches away from Applicant's claimed invention. Moreover, in

Solomon, a payment attendant does not input an amount of a jackpot transaction value of jackpot transaction signal which is to be compared to an amount of the jackpot value of a jackpot winning signal. Instead, the first employee 26 simply presents himself or herself for identification at the fill station where a computer 38 provides a list of all available transactions, for example, jackpots. (Col. 4, lines 36-49).

It is also acknowledged that Hilgendorf et al. does “not teach receiving winning signal from gaming machine and payment user transaction signal at a jackpot server.” (Office Action, ¶5). As such, Mothwurf et al. is relied upon as disclosing the features lacking in Hilgendorf et al. related to receiving a jackpot winning signal and a payment user transaction signal by a jackpot server.

Mothwurf et al., however, has nothing to do with determining whether a jackpot payment may be made to a player by a payment attendant without a corroborating payment witness. Rather, Mothwurf et al. is directed to a jackpot system for allocating wins from a jackpot to players playing at different gaming positions. A selection is compared to a payable. If the selection corresponds to a winning entry of the payable, an award is made to at least one player associated with a gaming position which triggered the selection. (Abstract). Mothwurf et al. is not concerned with determining whether a jackpot should be paid to a player by a payment attendant without the need for a corroborating witness.

Further, it is acknowledged that Hilgendorf et al. does “teach comparing the amount of the jackpot value of the jackpot winning signal to the amount of the transaction value of the payment user transaction signal and generating a confirmed jackpot value if the amount of the jackpot value of the jackpot winning signal is equal to the transaction value of the payment user transaction signal and creating a record of the authorized transfer.” (Office Action, ¶5). Thus, Walker et al. is relied upon to cure this deficiency of Hilgendorf et al.

Walker et al., however, simply discloses a method for redeeming a winning lottery ticket by presenting the ticket to a lottery terminal operator. (Col. 14, lines 37-45). In contrast to Applicant’s claimed invention, there is no comparison made by a jackpot server between a jackpot winning signal from a gaming machine and an amount of a jackpot transaction value inputted by a payment attendant. Instead, in Walker et al., a lottery server simply reads data from a lottery ticket and transmits the payout amount to the lottery terminal operator who when pays the winning amount to the ticket holder. (Col. 14, lines 47-55). As explained in Walker et al., “[t]he prize amount, drawing

information (i.e. drawing date and game type) and ticket identifier are read from the identified winning ticket record, and transmitted back to the lottery terminal (step 342).” (Col. 15, lines 20-26).

Moreover, regarding amended claim 22, Solomon does not disclose generating a jackpot payment transaction request by a jackpot user including a jackpot payment user identifier and a jackpot payout request value wherein the jackpot payment user identifier identifies the jackpot payment user or attendant and the jackpot payout request value indicates an amount of a jackpot won at a gaming machine. Indeed, the cited portion of Solomon in the Office Action (Col. 2, lines 53-67), simply relates to a description of Figures 3-5.

Additionally, Solomon does not disclose, contrary to what was said in the Office Action, “authorizing at the jackpot server a transfer without a human jackpot payment corroborating witness of a verified jackpot value to a player... at a cash dispensing peripheral without corroborating witness” (Office Action, ¶19). The cited portions of Solomon in support of this statement relate to payment of a jackpot by a gaming machine without the intervention of a casino employee (Col. 1, lines 16-24) or the additional authorization that is required at a cashier station 22 before a jackpot amount is provided to a casino employee 26. (Col. 6, lines 34-41).

Thus, there is no disclosure or suggestion in Solomon of authorizing by a jackpot server the transfer of a verified jackpot value to a player. Rather, the gaming machine in Solomon either pays the jackpot amount without any intervention by a jackpot server or a jackpot amount is provided to a casino employee, not a player, at a cashier station without any additional authorization.

Also, it was conceded that Solomon does not disclose verifying at a jackpot server a jackpot payment request value with a jackpot signal value transmitted from a gaming machine. (Office Action, ¶19). As such, Mothwurf et al. was relied upon as disclosing this feature.

However, Mothwurf et al., as discussed, does not disclose a method for electronically corroborating a jackpot payment by a casino employee or attendant without a human corroborating payment witness. Rather, Mothwurf et al. discloses a jackpot system in which a determination is made as to whether a selection corresponds to a winning entry of a payable. This has nothing to do with verifying by a jackpot server that the jackpot payout request value generated by a payment user or attendant is equal to a jackpot signal value, thereby permitting payment of the jackpot signal value to a winning player without a human jackpot payment corroborating witness.

Additionally, it was acknowledged that Solomon does not disclose printing a receipt including indicia that a human jackpot payment corroborating witness was not required for the transfer of a

verified jackpot value. (Office Action, ¶19). As such, Walker et al. was said to disclose this feature of Applicant's claimed invention.

Walker et al., as discussed and like the other cited references, does not disclose a method for electronically corroborating and authorizing a payment of a jackpot without a human corroborating witness. Instead, in Walker et al., a lottery server merely reads data from a lottery ticket and sends the payment amount to a lottery terminal. (Col. 15, lines 20-26).

Thus, the cited references, considered alone or in combination, fail to disclose or suggest several features recited in the independent claims. Therefore, the independent claims would not have been obvious in view of the cited references. The dependent claims include all the features recited in the independent claims on which they are based and thus would not have been obvious for at least the same reasons as their respective independent claims.

Therefore, it is respectfully requested that the rejection of the claims under 35 U.S.C. 103 be withdrawn.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicant's undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P317).

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Respectfully submitted,

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